

Remarks

This is responsive to the first Office Action mailed May 1, 2007, which rejected claims 1-3, 6-9, and 13-19, and objected to claims 4-5, 10-12 and 20. The Applicant has hereinabove amended claims 1, 5 and 16, and added new claims 21-31.

Independent claim 1 has been clarified to now generally feature “*a first layer of the disc having a content different from a content of the second layer.*” Support includes FIG. 2 and in the specification at page 5, lines 19-26. Claim 5 has been amended to adjust dependency to base claim 1.

Independent claim 16 has been clarified to now generally feature “*forming a first layer for a multi-layer optical disc which stores a first portion of the contents of the disc” and “*forming a second layer for the disc configured to be aligned adjacent the first layer and which stores a different, second portion of the contents of the disc.*” Support includes as that set forth above for claim 1. It is believed “the contents” is sufficiently definite in view of, for example, allowable claims 10 and 12.*

Dependent claims 21-27 depend from respective independent claims 1, 8 and 16. New independent claim 28 is generally directed to the subject matter of allowable claim 4. New dependent claims 29-31 depend from claim 28.

These amendments are believed to be proper, are not provided for purposes substantially related to patentability, do not introduce new matter and, with respect to the independent claims, do not narrow the scope of the claimed subject matter as compared to what was previously presented.

Indication of Allowable Subject Matter

The Applicant gratefully acknowledges the indication of allowability of dependent claims 4-5, 10-12 and 20.

Rejection of Claims Under 35 U.S.C. §102(e)

Claims 1-3, 6-9 and 15-18 were rejected as being anticipated by US. Published Patent Application No. US2003/0223344 to Lee et al. (hereinafter “Lee ‘344”). This rejection is respectfully traversed.

Lee ‘344 discloses sequentially forming a “father” stamper 33, forming a sequence of “mother” stampers 35 therefrom, and then making the injection molded discs using the mother stampers. Because the mother stampers 35 are stamped using the father stamper 33, the father stamper 33 has a pit and land sequence that is the same, albeit reversed (mirrored) with respect to the pit and land sequence of the mother stampers 35. See e.g., Lee ‘344, para [0033], lines 4-9; para [0034], lines 1-3 and 12-16.

The rejection of claim 1 based on the originally presented language was improper including on the basis that the disclosed father and mother stampers 33, 35 did not operate to form the recited “non-first layer” and “first layer” of the recited “multi-layer optical disc.” Rather, both the disclosed father and mother stampers 33, 35 were associated with the same layer in the disc.

Nevertheless, clarifying language has now been added to claim 1 so that the claim now generally features “*a first layer of the disc having a content different from a content of the second layer.*” This not disclosed, taught or suggested by Lee ‘344. Even though the pit and land sequences are reversed on the father stamper 33 as compared to the mother

stampers 35, both father and mother stampers 33, 35 in Lee '344 clearly have the same content.

Accordingly, reconsideration and withdrawal of the rejection of claim 1, and for the claims depending therefrom, are respectfully requested on these bases.

With respect to independent claim 8, Lee '344 fails to disclose a multi-layer optical disc comprising “*a first layer which stores a first set of user data and a table of contents (TOC) for the disc; and a second layer aligned adjacent the first layer which stores a second set of user data and an identifier tag which identifies the second layer as corresponding to the first layer.*”

The Examiner referred to FIG. 7 of Lee '344 and paragraphs [0033] to [0036] to support the use of multiple layers in the disc 53 of FIG. 7, but as noted above this discussion merely sets forth the generation of stampers associated with only a single layer of the disc.

If the process described in paras [0033] to [0036] of Lee '344 were repeated for a second layer of the same disc, there is nothing that explicitly or inherently indicates that the stampers associated with this second layer would operate such that the second layer has the recited “*identifier tag which identifies the second layer as corresponding to the first layer.*” Rather, whatever data are present on the second father stamper would merely be the mirror image of the mother stampers for the second layer. There would be nothing on either the second father 33 or the second mother 35 that would produce in the second layer the recited “*identifier tag*” to indicate that the second layer “*corresponds to the first layer.*”

Accordingly, the rejection of claim 8 is improper, and reconsideration and withdrawal of the rejection of this claim, and for the claims depending therefrom, are respectfully solicited.

With regard to independent claim 16, as with claim 1 the original rejection was improper including on the basis that the father/mother stampers 33, 35 of Lee '344 are associated with the same recording layer in the disc 53, not with separate layers as claimed.

Nevertheless, claim 16 has been amended, without being narrowed, to generally feature “*forming a first layer for a multi-layer optical disc which stores a first portion of the contents of the disc and a table of contents (TOC) for the disc; and forming a second layer for the disc configured to be aligned adjacent the first layer and which stores a different, second portion of the contents of the disc and an identifier tag which identifies the second layer as corresponding to the first layer.*” In view of the foregoing discussion, this subject matter is clearly not disclosed, taught or suggested by Lee '344. Reconsideration and withdrawal of the rejection of claim 16, and for the claims depending therefrom, are respectfully requested on these bases.

Rejection of Claims Under 35 U.S.C. §103(a)

Dependent claims 13, 14 and 19 were rejected as being obvious over Lee '344 in view of various combinations of U.S. Published Patent Applications No. US2004/0001414 to Kadowaki et al. (“Kadowaki '414”) and US2003/0223344 to Miyagawa et al. (“Miyagawa '344”). These rejections are respectfully traversed on the basis that these dependent claims are patentable as depending from respective base claims that are patentable for the reasons set forth above.

Moreover, when considered as a whole, there is nothing in these respective references that would suggest the desirability of modifying/combining the references to arrive at the claimed subject matter. Reconsideration and withdrawal are requested on this basis as well.

Newly Added Claims

Pursuant to 37 CFR 1.111, newly added claims 21-31 are also believed to be patentable over the art of record. Claims 21-27 are believed patentable as depending from a patentable base claim. Independent claim 28 is believed patentable based on the allowability of dependent claim 4. Claims 29-31 are believed patentable as depending from patentable base claim 28. Consideration and allowance of these newly added claims are respectfully requested.

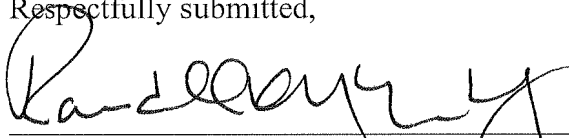
Conclusion

This is intended to be a complete response to the first Office Action mailed May 1, 2007. The Applicant requests reconsideration and allowance of all of the claims pending in the application.

Should any questions arise concerning this response, the Examiner is invited to contact the below signed attorney.

Respectfully submitted,

By:

A handwritten signature in black ink, appearing to read "Randall K. McCarthy", written over a horizontal line.

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